

Bennett, except that instead of the word "any" in line 7 you use the word "public"?

DELEGATE MACDONALD: I would say for any public or private purpose.

THE CHAIRMAN: The Chair would rule it would be equivalent to the Committee Recommendation. The effect of the Committee Recommendation is to prohibit a lottery for either public or private purpose. If you are seeking to amend Amendment No. 1 to accomplish the same thing, it is equivalent to the Committee Recommendation.

DELEGATE MACDONALD: I do not like to prolong this, Mr. Chairman, but the way I read this, it is vastly different from the recommendation made by the Committee.

THE CHAIRMAN: By this, you mean what?

DELEGATE MACDONALD: This amendment C, Amendment No. 1.

THE CHAIRMAN: It is indeed.

DELEGATE MACDONALD: This is confined to an operation of lottery by the State or by a local governing body or an authorization of a lottery by the State or local governing body.

THE CHAIRMAN: Perhaps the Chair misunderstood your purpose. State the manner in which you would amend Amendment No. 1.

DELEGATE MACDONALD: I would amend Amendment No. 1 in the very same way Delegate Bennett has suggested or as an alternative on line 7, instead of saying "for the purpose of", et cetera, say "for any public or private purpose".

The prohibition of the entire amendment would be against a lottery either conducted by the State or authorized by the State. In my opinion, that would not outlaw a lottery which is conducted by a private organization.

I understand that SF-2 would do the latter, and this would not.

THE CHAIRMAN: Delegate Macdonald, would it not be authorized by the State if lottery were made an exception to the general anti-gambling statute? Would it not come then within the language of being authorized by the State?

DELEGATE MACDONALD: Yes.

THE CHAIRMAN: Then I think it would be substantially the same as the pre-

vious recommendation. I think you can achieve your objective, but you would have to use some different language than the word "authorize".

If I understand you now, you are trying to say you want to prohibit the State by affirmative action authorizing but not prohibit the State by negative action in effect from permitting a private lottery, is this the essence of what you are trying to get at?

DELEGATE MACDONALD: Mr. Chairman, what I am trying to get at is to have it drafted so that a lottery could be conducted by a private organization and that this per se would not be a prohibition against that, but that the State and the local governing bodies, on the other hand, would be prohibited from authorizing, if you will, or conducting a lottery for any purpose, whether public or private.

For instance, they might authorize a lottery for the purpose of building a swimming pool. It would not necessarily be public.

THE CHAIRMAN: In order to make its intent clear so it would not be quibbling, I think you have to change the language around, in view of earlier discussion. I call your attention to the fact the word "authorize" is the word now used in the Committee Recommendation SF-2.

It seems to me that unless we change the language in Amendment No. 1 you are by the suggestion you make coming right back to Committee Recommendation SF-2.

DELEGATE MACDONALD: I will try to work on some language.

THE CHAIRMAN: Very well.

The question arises on Amendment No. 1. Does any delegate desire to speak in favor of Amendment No. 1?

Delegate Pullen.

DELEGATE PULLEN: Mr. Chairman, is book-making a lottery?

THE CHAIRMAN: Are you addressing the question to the Chair?

DELEGATE PULLEN: Yes.

THE CHAIRMAN: Delegate Pullen.

DELEGATE PULLEN: My second question is this.

(Laughter.)

Does this amendment permit legalized book-making?